

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

JUAN MANUEL SAHAGUN-PELAYO,

Petitioner,

v.

CIVIL ACTION NO. 5:16-cv-09875

D. L. YOUNG, *Warden, FCI Beckley*,

Respondent.

**MEMORANDUM OPINION AND ORDER**

On October 19, 2016, the Petitioner, proceeding *pro se*, filed his Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Document 1). Also pending are the Petitioner's motion for expedited ruling (Document 16) filed on July 17, 2017; and the Respondent's Response to the Order to Show Cause (Document 10) filed on January 6, 2017, seeking dismissal of the Petitioner's Petition.

By *Standing Order* (Document 3) entered on October 20, 2016, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On August 11, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 17) wherein it is recommended that: the Petitioner's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 be denied; the Petitioner's motion for expedited ruling be denied as moot; the Respondent's Response to the Order to Show Cause seeking dismissal of the


Petitioner's Petition be granted; and this action be dismissed with prejudice and removed from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 28, 2017, and none were timely filed by either party. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that: the Petitioner's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Document 1) be **DENIED**; the Petitioner's motion for expedited ruling (Document 16) be **DENIED AS MOOT**; the Respondent's Response to the Order to Show Cause (Document 10) seeking dismissal of the Petitioner's Petition be **GRANTED**; and this action be **DISMISSED with prejudice** and **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: September 6, 2017

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA